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Patrick Byrne

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ROBERT HUNTER BIDEN, an
individual,

Plaintiff,

vs.

PATRICK M. BYRNE, an individual,

Defendant.

Case No.: 2:23-cv-09430-SVW-PD
Judge: Honorable Stephen V. Wilson
Courtroom: "10A"

Complaint Filed: November 8, 2023

**DEFENDANT'S REPLY IN
SUPPORT OF HIS MOTION IN
LIMINE NO. 6 TO EXCLUDE
TESTIMONY OR EVIDENCE OF
DEFENDANT'S FINANCIAL
CONDITION; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF**

Date: November 25, 2024
Time: 3:00 p.m.
Courtroom: "10A"

TO ALL PARTIES AND THEIR ATTORNEY'S OF RECORD:

Defendant Patrick Byrne hereby replies in support his motion in limine to prevent Plaintiff from introducing any evidence of Defendant's financial condition:

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant respectfully requests that the Court grant this motion because Defendant's financial condition is entirely irrelevant to the issue of actual malice and liability, and precisely because Defendant briefed this issue in his Memorandum of Contentions of Fact and Law to request bifurcation of liability and damages at trial. Plaintiff's counsel's inability to tell the truth here is thus alarming. Defendant specifically briefed bifurcation on this issue of liability and damages in his Memorandum of Contentions of Fact and Law, and *Plaintiff's counsel cited to it*. The purpose of briefing this issue is precisely because Defendant requests bifurcation of the issues of liability and damages, particularly punitive damages, which is required here. Therefore, this Court should grant this Motion.

II. LEGAL ARGUMENT

A. Defendant's Financial Condition is Entirely Irrelevant

The law requires the exclusion of evidence of a party's financial condition until a determination of liability and an award of compensatory damages has been made, and there has been of finding that Defendant is "guilty of malice, oppression or fraud in accordance with Section 3294." California Civil Code § 3295(d). Plaintiff cannot even conduct *discovery* related to Defendant's financial condition until the court has granted a request for such discovery. California Civil Code § 3295(c).

Further, Plaintiff has made no affirmative factual showing that Defendant's financial condition will be admissible or relevant to the determination of whether

Defendant made knowingly false statements or made such statements with serious doubts of their veracity. Defendant's financial condition does not come into play until *after* the jury has determined Plaintiff is owed such damages. Plaintiff cites absolutely no authority that Defendant's financial condition is relevant of Plaintiff's alleged damages in general. Such evidence is irrelevant, prejudicial, and inappropriate at the liability and compensatory stages of the litigation. See *Smith v Covell* (1980) 100 Cal.App.3d 947, 960; *Weaver v Shell Oil Co. of California* (1933) 129 Cal.App 232, 234; See also *McKiver v Murphy-Brown, LLC* 980 F.3d 937, 975-76; *Holdgrafer v Unocal Corp.* 160 Cal.App.4th 907, 919 (2008); See *Vasbinder v Ambach* 926 F.2d 1333, 1344 (2d Cir. 1991). Therefore, it is submitted that this motion be granted.

B. Plaintiff Refused to Meet and Confer

Plaintiff's own Exhibit A clearly shows he refused to further discuss Defendant's Motions in Limine, simply stating he categorically refused to stipulate to any of the motions we proposed.

III. CONCLUSION

Based on the foregoing, Defendant respectfully requests that this Court grant this Motion.

Dated: November 18, 2024 LAW OFFICES OF MICHAEL C. MURPHY

By: /s/ Michael C. Murphy, Esq.

Michael C. Murphy, Esq.
Michael C. Murphy, Jr., Esq.
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Byrne